



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,963	09/07/2000	Yoshinori Tahara	JP9-1999-0203	1948

7590 05/07/2003
William E Lewis
Ryan Mason & Lewis LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,963

Applicant(s)

TAHARA ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 10 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6. 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 5,10, and 15 are allowable over the prior art of record.
2. The following is a statement of reasons for the indication of allowable subject matter: .
As per claims 5,10, and 15, the recited claim limitations pertaining to a speech recognition system utilizing a sounds like spelling scores in conjunction with a two layer voice recognition process is not explicitly taught by the prior art of record.

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4,6-9,11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchins (5208897) in view of IBM Technical Disclosure Bulletin (Vol. 35, Issue 1a, pp 59).

As per claims 1,2,6,7,11,12 Hutchins (5208897) teaches:

“obtaining a sentence group....sentence” (col. 11 line 45 – col. 12 line 40)

“obtaining a spelling.....speech recognition dictionary” (fig. 4a)

“obtaining a base form.....word” (Fig. 4a)

“registering said base form....said word” as dictionary storage (col. 9 line 50 – col. 10 line 58)

Hutchins does not explicitly teach the use of ‘sounds-like-spelling’ technique in the dictionary functions, however, IBM TDB teaches the use of ‘sounds like spelling’ in the Tangora Automatic Speech Recognizer (see disclosure text). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to modify the teachings of Hutchins with a ‘sounds like spelling’ technique because it would advantageously allow user to enter the information more accurately than the phonetic pronunciations (IBM TBD, disclosure text, near the end).

As per claims 2,7,and 12, the combination of Hutchins (5208897) in view of IBM TDB teaches:

“a recognition step.....user reads....display corresponding to ith sentence” as on-line process for user input (fig. 4a, -- on-line processes)

“employing said base form.....recognition sentence” as comparing and recognizing the phrase (col. 12 lines 1-40)

✓ As per claims 3,8, and 13, Hutchins teaches generating a control message corresponding to the sentence (as recognized commands -- col. 20 lines 17-24)

As per claims 4,9,14, the combination of Hutchins (5208897) in view of IBM TDB teaches determining a pronunciation score and threshold (Hutchins, Fig. 7, see related text of explanation of fig. 7); system status and recognition results (Hutchins, fig. 3), and retrieving voice information, matching, and a second voice pronunciation matching (Hutchins, col. 32 line 1-31).

Response to Arguments

6. Applicant's arguments filed 2/19/2003 have been fully considered but they are not persuasive. As per applicant's arguments that Hutchins deals with speech recognition and not word registration (applicant's response, pp 1013), examiner points to the Hutchins system teaching word recognition (as shown in previous office actions), and using this word recognition system to improve the accuracy of existing vocabulary or to increase the existing vocabulary (col. 17 lines 40-45), and thereby inherently teaching word recognition registration (recording). As per applicant's arguments that there is no motivation to combine the references, examiner argues that the motivation is allowing the user to type in the spelling to improve the recognition (as shown above in the IBM TBD). As per claims 4,9, and 14, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2655

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

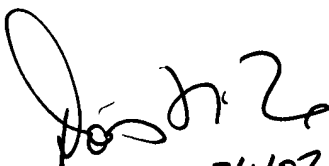
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

4/28/2003


DORIS H. TO 5/1/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600